

AF/IFW

Applicant's Docket No. 2731/103

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Michael D. Mason  
Application No.: 10/767,637  
Filed: 01/29/2004  
For: Method for Graftless Spinal Fusion

Group No.: 3732  
Examiner: A. R. Reimers

**RESPONSE UNDER  
37 C.F.R. § 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AMENDMENT OR RESPONSE AFTER FINAL REJECTION--TRANSMITTAL

1. Transmitted herewith is an amendment after final rejection (37 C.F.R. 1.116) for this application.

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

(When using Express Mail, the Express Mail label number is **mandatory**;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

[X] deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**37 C.F.R. § 1.8(a)**

[X] with sufficient postage as first class mail.

**37 C.F.R. § 1.10\***

☐ as "Express Mail Post Office to Addressee"

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**TRANSMISSION**

☐ facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

Signature

Date: November 9, 2005

John L. Conway

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

## STATUS

2. Applicant is a small entity.

## EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

## FEE FOR CLAIMS

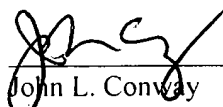
4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col.1)		(Col. 2)	(Col. 3)		SMALL ENTITY		
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE	ADDIT. FEE	
TOTAL	3	MINUS	20	= 0	x	\$ 25.00	= \$	0.00
INDEP	2	MINUS	3	= 0	x	\$ 100.00	= \$	0
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM					+	\$ 0.00	= \$	0.00
TOTAL							\$	0.00
ADDIT. FEE								

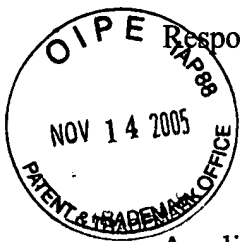
No additional fee for claims is required.

Please charge any fees required by this paper to deposit account number 19-4972.

Date: November 9, 2005



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Response to office action of 8/25/05 for appl. No. 10/767,637

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

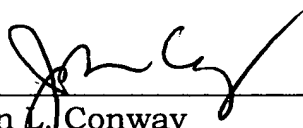
Applicant: Mason Atty Dkt: 2731/103  
Serial No: 10/767,637 Art Unit: 3732  
Date Filed: January 29, 2004 Examiner: A. R. Reimers

Invention: Method for Graftless Spinal Fusion

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**CERTIFICATE OF MAILING**

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\_\_\_\_\_  
John L. Conway

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Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE D**

Dear Sir:

In response to the Office Action mailed on August 25, 2005 and made final, Applicant responds as follows under 37 C.F.R. § 1.116 in order to put the application in condition for allowance.